

Draft
Environmental Assessment

Hells Canyon Creek Instream Flow

1/4/2019

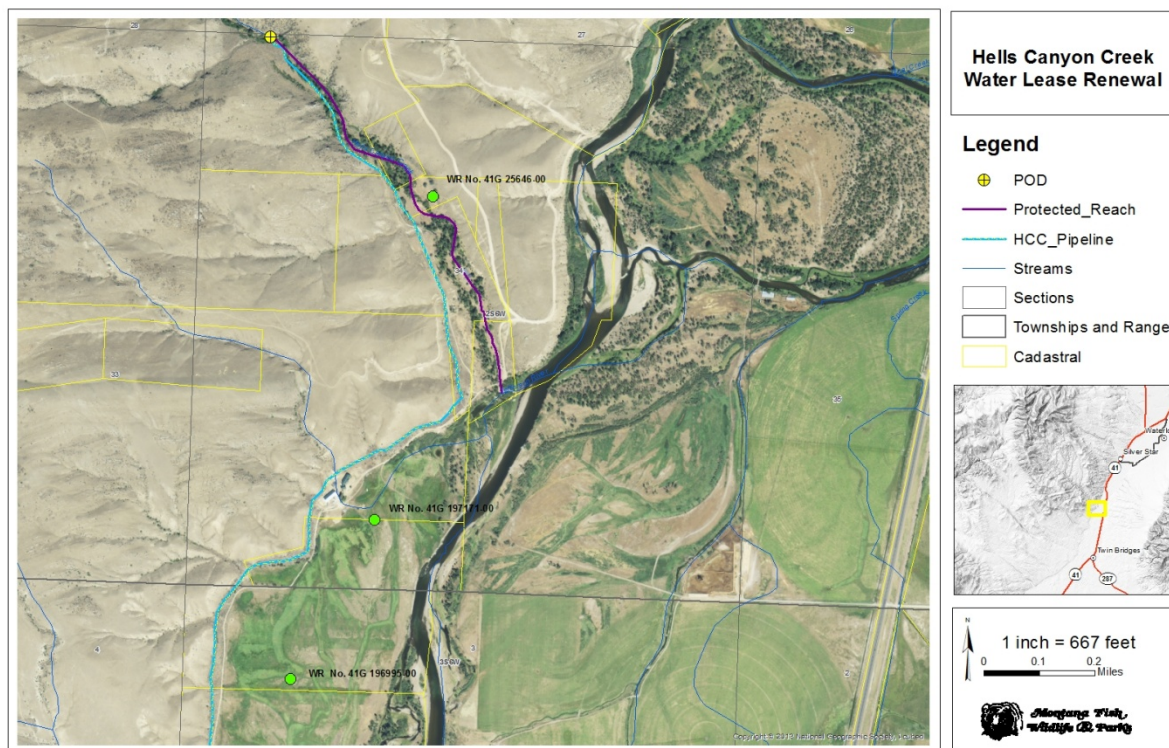


***Montana Fish,
Wildlife & Parks***

Draft Environmental Assessment CHECKLIST

PART I. PROPOSED ACTION DESCRIPTION

- 1. Type of proposed state action: Administrative**
- 2. Agency authority for the proposed action: Montana Fish, Wildlife & Parks**
FWP has statutory authority to acquire water rights (§87-1-209 MCA) and the authority to lease and/or permanently convert water rights it holds in fee simple for instream flow purposes (§85-2-436 MCA).
- 3. Name, address and phone number of project sponsor (if other than the agency)**
Montana Fish, Wildlife & Parks
1420 East 6th Avenue
Helena, MT 59620
(406) 444-1229
- 4. Anticipated Schedule:**
Estimated Instream Flow Lease Commencement Date: 2019
Estimated Instream Flow Lease Completion Date: 2029
Current Status of Project: Agreement with landowner nearly completed. The temporary changes to instream flow are subject to approval by the Department of Natural Resources and Conservation (DNRC).
- 5. Location affected by proposed action (county, range and township – included map):**
The project is located in Madison County in Section 34, Township 2 South, and Range 6 West.



6. **Project size -- estimate the number of acres that would be directly affected that are currently:**

| | <u>Acres</u> | | <u>Acres</u> |
|-----------------------|--------------|--------------------|--------------|
| (a) Developed: | | (d) Floodplain | <u>0</u> |
| Residential | <u>0</u> | | |
| Industrial | <u>0</u> | (e) Productive: | |
| (existing shop area) | | Irrigated cropland | <u>173</u> |
| (b) Open Space/ | <u>0</u> | Dry cropland | <u>0</u> |
| Woodlands/Recreation | | Forestry | <u>0</u> |
| (c) Wetlands/Riparian | <u>0</u> | Rangeland | <u>0</u> |
| Areas | | Other | <u>0</u> |

8. **Permits, Funding & Overlapping Jurisdiction.**

(a) **Permits:** permits will be filed at least 2 weeks prior to project start.

| <u>Agency Name</u> | <u>Permits</u> |
|--------------------|---------------------------|
| DNRC | Water Right Lease Renewal |

(b) **Funding:**

| <u>Agency Name</u> | <u>Funding Amount</u> |
|--------------------------------------|-----------------------|
| Future Fisheries Improvement Program | \$47,500 |
| George Grant Trout Unlimited | \$2,500 |

*Pivot system installed in 2017
(unofficial match as installed previously) \$123,918

(c) Other Overlapping or Additional Jurisdictional Responsibilities:

| <u>Agency Name</u> | <u>Type of Responsibility</u> |
|--------------------|------------------------------------|
| DNRC | facilitates water resources issues |

9. Narrative summary of the proposed action:

Prior to 1995, an open ditch system near the mouth of Hells Canyon Creek severely depleted streamflow and entrained over 30% of the migrating rainbow trout fry returning to the Jefferson River. Three water users began using a gravity pipeline system, and fish friendly irrigation diversion, with funding support by the Natural Resources Conservation Service (NRCS) and FWP in 1995. A 20-year water lease with FWP was implemented from 1995-2015, and the project successfully served agricultural and fishery needs. Negotiations to renew the lease during 2015 did not arrive at a successful long-term solution due to gravity pipeline allocation issues. A 3-year extension was agreed upon and lease funding was obtained to work through pipeline allocation issues. In addition, a system upgrade was implemented in 2017. This upgrade included irrigation diversion repairs, and installation of a more efficient center pivot for one user beginning in 2017. Based on the modifications of the system during the 3-year period (2016-19), a renewal of the lease for the upcoming 10 years (with the potential for another renewal after 10 years) is proposed. In order to assist each of the three landowners with system efficiency upgrades (Carroll in 2017, and future improvements for Dustin and Hells Canyon Creek, LLC.), an increase in the annual lease payment is proposed for the upcoming 10 years. The timeline below summarizes the timing of project events.

Instream Flow Lease Timeline:

- **1996-2015** Original instream flow lease (\$45,000 of FWP funds contributed).
- **2015** Lease Renewal Negotiations (Pending irrigation improvements and pipeline allocation issues prevented long term commitments).
- **2016-2019** Lease extension secured (bought time to negotiate and install new center pivot).
- **2017*** NRCS implementation of the pivot system (quicker than expected).
- **2019-2029** Anticipated instream flow renewal for 10 years.
- **2029-2039** Anticipated renewal depending on leasing authority and funding availability.

*We expected pivot implementation and instream flow renewal to be completed concurrently in 2018 but the NRCS project implementation was expedited. Hence, the \$123,919 cost of the pivot is considered an unofficial match to the proposed instream flow lease due to timing issues.

10. Description and analysis of reasonable alternatives:

Alternative A: Fund the water lease and secure additional streamflow.

Alternative B: Do not fund the water lease and fail to legally protect instream flow.

11. Evaluation and listing of mitigation, stipulation, or other control measures enforceable by the agency or another government agency:

The lease renewal will need to be approved by the DNRC after it conducts a 90 day review for adverse effect.

DPART II. ENVIRONMENTAL REVIEW CHECKLIST

Evaluation of the impacts of the Proposed Action including secondary and cumulative impacts on the Physical and Human Environment.

A. PHYSICAL ENVIRONMENT

| Will the proposed action result in potential impacts to: | Unknown | Potentially Significant | Minor | None | Can Be Mitigated | Comments Provided |
|--|---------|-------------------------|-------|------|------------------|-------------------|
| 1. Geology and soil quality, stability and moisture | | | | X | | |
| 2. Air quality or objectionable odors | | | | X | | |
| 3. Water quality, quantity and distribution (surface or groundwater) | | | | X | | |
| 4. Existing water right or reservation | | | X | | | X |
| 5. Vegetation cover, quantity and quality | | | | X | | |
| 6. Unique, endangered, or fragile vegetative species | | | | X | | |
| 7. Terrestrial or aquatic life and/or habitats | | | | X | | |
| 8. Unique, endangered, or fragile wildlife or fisheries species | | | X | | | X |
| 9. Introduction of new species into an area | | | | X | | |
| 10. Changes to abundance or movement of species | | | | X | | |

4. Existing water right or reservation.

This project does not change water rights of other landowners. It does, however, secure an instream flow lease from three water users. The project is purely administrative, keeping water formerly used for irrigation within the stream.

8. Unique, endangered, or fragile wildlife or fisheries species.

This project will affect important spawning populations of brown and rainbow trout in the Jefferson River. The impacts on these species as a result of this project are predicted to be positive. The project may provide significant improvements in habitat within the Hells Canyon Creek drainage. The enhanced streamflow would secure critical minimum flows for resident fish as well as fish migrating from the Jefferson River.

B. HUMAN ENVIRONMENT

| Will the proposed action result in potential impacts to: | Unknown | Potentially Significant | Minor | None | Can Be Mitigated | Comments Provided |
|--|---------|-------------------------|-------|------|------------------|-------------------|
| 1. Noise and/or electrical effects | | | | X | | |
| 2. Land use | | | | X | | |
| 3. Risk and/or health hazards | | | | X | | |
| 4. Community impact | | | | X | | |
| 5. Public services/taxes/utilities | | | | X | | |
| 6. Potential revenue and/or project maintenance costs | | | | X | | |
| 7. Aesthetics and recreation | | | | X | | |
| 8. Cultural and historic resources | | | | X | | |
| 9. Evaluation of significance | | | | X | | |
| 10. Generate public controversy | | | | X | | |

PART III. NARRATIVE EVALUATION AND COMMENT

There are no anticipated cumulative effects.

PART IV. PUBLIC PARTICIPATION

1. Public involvement:

The public will be notified in the following manners to comment on this current EA, the proposed action and alternatives:

- Public notice on the Fish, Wildlife & Parks web page: <http://fwp.mt.gov>.

This level of public notice and participation is appropriate for a project of this scope having limited impacts and is administrative in nature.

PART V. EA PREPARATION

1. Based on the significance criteria evaluated in this EA, is an EIS required? NO

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action.

We conclude, from this review, that the proposed activities will have an overall positive impact on the physical and human environment, and will therefore not require the extensive analysis associated with an EIS.

2. Person(s) responsible for preparing the EA:

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3. List of agencies or offices consulted during preparation of the EA:

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Ron Spoon, Montana Fish, Wildlife & Parks